

MEMORANDUM

Agenda Item No. 4(N)

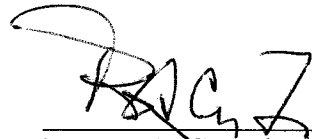

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 20, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Sec.
2-11.1.1 of the Code relating
Ethical Campaign Practices
Ordinance

The accompanying ordinance was prepared and placed on the agenda at the request of Chairman Joe A. Martinez.


for:  Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(N)

6-20-06

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-11.1.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO ETHICAL CAMPAIGN PRACTICES ORDINANCE; PROVIDING THAT NO COMPLAINT MAY BE FILED WITHIN FIVE DAYS OF ELECTION; PROVIDING FOR EXPEDITED ENFORCEMENT PROCEEDINGS UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-11.1.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-11.1.1. Ethical campaign practices ordinance.

* * *

- (B) *Miami-Dade County Commission on Ethics and Public Trust.* The Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission") shall have jurisdiction over the Ethical Campaign Practices Ordinance. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the mandatory and voluntary fair campaign practices provided in subsections (C) and (D).

* * *

- (E) *Procedure.* The procedures provided in Chapter 2, Article LXXVI>>II<< of the Code of Miami-Dade County shall govern all complaints or requests for advisory opinion brought pursuant to the Ethical Campaign Practices

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Ordinance. >>Notwithstanding the foregoing, the Ethics Commission may conduct an expedited proceeding when a complaint is filed pursuant to the Ethical Campaign Practices Ordinance within fifty (50) days of a primary, general or special election. Expedited proceedings shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission. No complaint may be filed with the Ethics Commission during the five (5) day period immediately preceding any primary, general or special election.<< No action may be taken on a complaint filed more than 1 year after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:


GKS

Prepared by:

Gerald K. Sanchez

Sponsored by Chairman Joe A. Martinez